

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case No. S-2550

**PETITION OF RAMASWAMY KRISHNASWAMY AND
NIRMALA, KANNAN AND JAYANTHI RAMASWAMY**

OPINION OF THE BOARD

(Public Hearing Date: January 6, 2003)
(Effective Date of Opinion: March 13, 2003)

Case No. S-2550 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

The subject property is Lot 23, Block 21, Ashburton Subdivision, located at 9814 Singleton Drive, Bethesda, Maryland, in the R-60 Zone

Pursuant to the authority contained in Section 59-A-4.125 of the Montgomery County Code, the Board referred the application to the Hearing Examiner for Montgomery County to conduct a public hearing. The hearing was held on January 6, 2003, and on February 13, 2003, the Hearing Examiner issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **granted**, subject
to conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on March 5, 2003. After careful consideration, on a motion by Angelo M. Caputo, seconded by Allison Ishihara Fultz, with Donna L. Barron, Louise L. Mayer and Donald H. Spence, Jr., Chairman in agreement, the Board voted to adopt the Report and **grant** the special exception subject to the following conditions:

1. Petitioners shall be bound by their testimony and exhibits of record, including Exhibit Nos. 1, 3, 4, 5 and 13, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. Petitioners must replace the windows and the lock to the apartment as specified in Exhibit No. 13.
3. Pursuant to the provisions of the Montgomery County Housing Code and based upon its square footage, occupancy of the accessory apartment is limited to no more than two unrelated persons or a family of four.
4. Petitioners must reside at the subject property and may receive compensation for only one dwelling unit.
5. The special exception is granted to the Petitioners only.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 13th day of March, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.